

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

ANTHONY RICHARD IVEY, JR.; and
CHEVONDA IVEY,

Plaintiffs,

v.

Case No. 6:20-cv-287-Orl-37LRH

CITY OF WEST MELBOURNE;
WILLIAM HICKS; and JOSEPH
LAROSA,

Defendants.

ORDER

Defendants move to strike Counts VII and VIII of Plaintiffs' Second Amended Complaint (Doc. 42) as the claims were added without leave of Court. (Doc. 48 ("**Motion**").) On referral, U.S. Magistrate Judge Leslie R. Hoffman recommends granting the Motion. (Doc. 53 ("**R&R**").)

No party objected to the R&R, and the time for doing so has now passed. Absent objection, the Court has examined the R&R only for clear error. *See Wiand v. Wells Fargo Bank, N.A.*, No. 8:12-cv-557-T-27EAJ, 2016 WL 355490, at *1 (M.D. Fla. Jan 28, 2016); *see also Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). Finding no such error, the Court adopts the R&R in its entirety.

It is **ORDERED AND ADJUDGED**:

1. U.S. Magistrate Judge Leslie R. Hoffman's Report and Recommendation (Doc. 53) is **ADOPTED, CONFIRMED**, and made a part of this Order.

2. Defendants City of West Melbourne, William Hicks, and Joseph LaRosa's Amended Motion to Strike Counts VII and VIII of the Second Amended Complaint (Doc. 48) is **GRANTED**.
3. Counts VII and VIII of Plaintiffs' Second Amended Complaint (Doc. 42, ¶¶ 43-49) are **STRICKEN**.

DONE AND ORDERED in Chambers in Orlando, Florida, on July 29, 2020.




ROY B. DALTON JR.
United States District Judge

Copies to:
Counsel of Record